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DEPARTMENT FOR D, AF A/S FRAZER, SE WILLIAMSON, AF/SPG, NSC
FOR BPITTMAN AND CHUDSON

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TAGS: PGOV PREL ABLD SU

SUBJECT: LIAR'S POKER: SUDANESE "CALL AND RAISE" ON USG
NON-PAPER

REF: A. KHARTOUM 300

- IB. KHARTOUM 297
- IC. KHARTOUM 278

Classified By: CDA Alberto M. Fernandez, reasons 1.4 (b) and (d)

¶1. (C) Summary: Sudan's formal response to a USG non-paper raises the hope of progress on some humanitarian and UNAMID deployment issues, considerable flexibility on CPA-related items and also presents unrealistic, maximalist recommendations towards normalizing relations with the United States and funding for initiatives unlikely to be achieved in a short timeframe. As such it is a typical Sudanese opening gambit tantalizing in its description of possible bureaucratic breakthroughs and at the same time projecting an image of rock-solid, even arrogant, self-confidence. It actually promises little and asks for much -- a standard ploy for very experienced Sudanese negotiators. The Sudanese response also ignores demands that it cease bombing and abide by a cease-fire in Darfur, doubtless seeing such steps as an infringement of its sovereign right to self-defense against rebel forces. Embassy Khartoum's strong recommendation is that there is enough room here for a detailed discussion with the Sudanese albeit with lowered expectations about achieving a mutually agreed upon workplan and crystal clear consensus by US policymakers about our own non-negotiable demands and actual quid pro quo responses. End summary.

AN OFFER WE CAN REFUSE

¶2. (C) Foreign Ministry Under-Secretary Mutriff Siddiq and key NCP strategist Said al-Khatib called in CDA Fernandez on March 23 to present him with Sudan's written response to an 11 page American "non-paper" presented to them on February 29 by Special Envoy Williamson (reftels). The three part response consists of an introduction, an 11 page matrix listing 59 possible action items 25 of these are responses to demands made in the American non-paper while 24 are Sudanese suggestions of needed American actions. The matrix describes the issue, the implementation measure, suggested timeframe and the authority needing to implement it - UN, Sudan, US, SPLM, for example. (The USG non-paper did not include any USG quid pro quo steps in response to Sudanese concessions) and a paper on US impediments to the normal work of the Sudanese diplomatic missions in New York and Washington. Embassy will scan and send the entire text to AF/SPG. Text of cover memo and complaints from missions in the U.S. follow at the end of this message.

¶3. (C) Siddiq and Khatib, veteran negotiators with years of hard bargaining experience (Khatib was deeply involved in the CPA and Siddiq negotiated the 2006 Darfur Agreement with Kofi

Annan on the UN/AU Hybrid Force) began by noting that Sudan was sincere in wanting an improved relationship with the United States. Although Sudan did not like much of the tone of the USG non-paper, they respected Special Envoy Williamson's vision and description of the USG document as a "living document." They said that the Sudanese response was also a living document: it was not a take it or leave position and Sudan was ready to discuss "all American concerns in detail anytime, anywhere within one week's time." They suggested somewhere in Europe might be easiest to arrange but they were flexible. They did not expect that the United States would be willing to accept every proposal that Sudan makes in the matrix towards normalizing relations.

NOT YET ON NEC FACILITATION

¶4. (C) When pressed by CDA Fernandez, Siddiq confirmed Sudan's position that no steps will yet be taken to release OBO containers for Khartoum NEC construction at this time. Siddiq said that he expected Sudan will release the current 20 containers in country as a "confidence building measure" upon or before the successful conclusion of an initial meeting to discuss a bilateral workplan and that there would be no problems with the NEC "if we agree on a way forward in our bilateral relations". This confirms what Presidential Advisor Mustafa Othman Ismail told CDA earlier in the week that the issue of the NEC (and the Sudanese Missions in the U.S.) remains very much on the table and part of a package deal.

¶5. (SBU) The matrix responds to American concerns and priorities by beginning with humanitarian issues. Much of what would be agreed to are items that Sudan has already signed off on, for example, in the Joint Communique. In some cases, it does expand (or appear to expand) on some concerns such as:

- NGO staff to be granted entry visas within 72 hours.
- Travel to Darfur to be allowed within 48 hours from notification.
- NGO items to be cleared within 7 days of arrival at port.
- Multiple entry visas for NGO directors (but not all NGO staff) per Joint Communique.
- Commits itself (once again) to only voluntary return of IDPs in Darfur.
- Seems to allow UNHCR to expand into IDP camp coordination in South Darfur State (currently limited to West Darfur).
- Willing to commit the use of the Joint Procedures Center (JPC) only for NGOs and Humanitarian Agencies.
- Agrees to additional police to protect routes from bandits attacking food convoys.
- Establishing an airport office for emergency situations.

As for possible USG actions, under the same humanitarian rubric, it calls for:

- US-funded "model villages in order to facilitate voluntary returns in Darfur."
- US-funded programs to halt environmental degradation in Darfur.
- US-funded reconstruction and development programs in Darfur.

A PROMISE ON CUSTOMS CLEARANCE

¶6. (SBU) Under UNAMID issues, the Sudanese re-assert that "securing the borders is the sole sovereign right and duty of the Sudanese Government," but in an agreed-upon workplan it would agree to the following:

-- Naming a senior Sudanese official as focal point to solve all UNAMID deployment issues.

-- Facilitation of UNAMID customs clearance at Port Sudan within 10 days.

-- Allowing US companies to work unhindered in Darfur.

-- Sudan will consider the deployment of the Thai infantry battalion and Nepalese "immediately after the completion of the stages of deployment and evaluation of the African contribution" (Note: this is no concession but just re-stating the current Sudanese negotiating position).

-- Removal of all day/night restrictions on UNAMID aircraft...once UN upgrades airport capability.

For US actions in this category, the Sudanese propose:

-- US financial and technical support in upgrading airports, water and electricity, roads and other transportation "in implementation of the light and heavy support packages."

-- They restate steps the USG is already taking to fund UNAMID and equip and train African battalions for the force.

¶7. (SBU) Under facilitating the work of the Join Meiation Support Team (JMST), the Sudanese would agree to ease up on petty harassment of UN JMST work while calling on the US to begin applying real pressure on recalcitrant Darfur rebel groups and getting American support for an international conference on development in Darfur.

¶8. (C) The Sudanese would agree to solve all issues related to NEC construction within seven days of an agreement to solve problems with the Sudanese Missions in New York and Washington. The United States would have to remove Sudan from the State Sponsor of Terrorism List, remove economic sanctions on Sudan, issue a formal apology and make payment of damages for the 1998 cruise missile attack on the Al-Shifa pharmaceutical plant in Khartoum "immediately". The United States would also help Sudan to join the World Trade

NOTHING NEW ON CPA

¶9. (C) The matrix makes clear Sudan's sensitivity to public criticism by asking for the "cessation of hostile official media campaigns against Sudan, including antagonistic groundless accusations" and the setting up of some sort of "Dialogue Mechanism" to address all issues of concern. The fact that most criticism of Sudan in the U.S. has little or nothing to do with official statements seems lost on the Sudanese who control much of their own media. The US-educated NCP should know better but they are stung by US press nevertheless.

¶10. (SBU) On the Comprehensive Peace Agreement (CPA), the regime agrees to stop supporting all non-government actors (like the Misseriyya militia or PDF) - support it has never admitted to supplying in the first place - and also funding of the census, passage of the electoral law, formation of the National Electoral Commission, and setting up an interim administration for Abyei within 45 days (all things that the regime should be doing anyway). There is nothing new here as this is part of the daily rhetoric of painfully slow ongoing NCP-SPLM negotiations on these issues. The text explicitly blames the SPLM for any delays in solving Abyei, an

interesting point that will have to be explained to Foreign Minister Deng Alor, an Abyei native, once he returns to Sudan on March 23.

¶11. (C) Comment: The documents presented to us are an accurate reflection of the mindset of the Khartoum regime (meaning the National Congress Party): proud, tough, even defiant, vaguely positive, deeply knowledgeable about Sudan and its intricacies but hopelessly naive about the outside world, offering little but demanding much in the expectation that much of what is on the table - from both sides - will have to be whittled down, ready to deal and mostly unrepentant. The difference is that most of the USG suggestions in our non-paper are quite realistic and many of the Sudanese recommendations for American reciprocal actions are totally surreal. Despite this, Embassy Khartoum does believe that there is enough here to warrant further discussion with the Sudanese while keeping our expectations of actual success low. The key is to have great clarity about our own bottom line demands, timelines and what we are willing to offer in return. We also believe that, while the regime is proud and intransigent, it is also fragile and quite susceptible to additional pressure and this is an eventuality that also needs to be explored (realizing that the Sudanese will inevitably respond by further squeezing the US official presence in Sudan). This is also a tool we should not shy away from brandishing, as needed, in our private discussion with the Sudanese. There is no doubt, however, that possible steps agreed to in principle by the Sudanese, in the humanitarian and UNAMID fields, would - if actually implemented - improve access for humanitarian workers and speed up (perhaps marginally, given UNAMID's own internal problems) UNAMID peacekeeper deployment. The question will be at what price will those improvements come? On CPA, we are not daunted on the lack of specificity here but rather believe that any future discussion should include pressing the Sudanese regime harder on Abyei (and ABC Report borders) and on elections. End Comment.

¶12. (SBU) Begin text (introduction):

"President Bashir's initiative to give the mending of Sudan-U.S. relations a serious attempt was made in good faith and is based on the assumption that although we have suffered the brunt of many punitive measures which were either totally unjustified and/or politically motivated, there are some genuine concerns on the part of the USG and that these concerns should be addressed by us seriously and constructively just as we expect our legitimate concerns to be seriously and constructively addressed by the USG. If this assumption is not shared by both governments then the obvious conclusion we could arrive at is that this effort will be futile.

We understand fully the extent to which the USG could use its enormous might and influence to incur damage on the fortunes of our country and people, however, this effort is not driven by fear. It is fueled by optimism, confidence and belief, and so threats as real and imminent as they may be shall not have a positive role in shaping our relationship.

The response we got is disappointing not because it made certain demands on our government - those we do expect but because it stayed away from the main focus of the initiative, which is and shall be the bilateral relations - and dealt instead with issues that are the concerns of Sudan and various "third parties."

It is also disappointing because it betrays a degree of disrespect to the sovereignty of Sudan. It furthermore disregards agreements Sudan has concluded with other entities or assumes that in order to improve Sudan-US relations, the Government of Sudan should seek to amend or fail its obligations under those agreements. Notwithstanding the above general commentary on the proposals, we have chosen to respond to them constructively, this is because of the following:

We want to confirm our seriousness and challenge the resolve of both parties and their commitment to the declared objectives of working towards healthy relations.

The Special Envoy characterized the proposals as a living document and as such we prefer to see how this document would look after our response is incorporated in it.

We believe in dialogue as much as we resent being dictated to.

It concerns a matter of vital importance to our future and national security and should be approached with due seriousness and responsibility.

In light of verbal assurances that the intentions are good, although the workplan may look otherwise, we elect to go the extra mile.

It is our belief that the cornerstone to improving relations is focusing sincerely and frankly on the common concerns. And it is our belief that Sudan has a lot to offer, if we establish a healthy and normal relationship. We are not seeking guardianship, under an erroneous assumption that we are a burden and a problem to be either ignored or used against the Sudanese people. We are looking for a partnership that would unleash our enormous potential for the common good of both countries and that of the region."

End text.

¶13. (SBU) Concerns of Sudan Missions in New York and Washington:

Begin text: "Washington - financial aspects:

The tight financial restrictions imposed by the treasury on the Embassy account as well as on the private accounts of the diplomats to the extent that commercial banks refuse to open an account for the Embassy.

The money transfers for the Embassy are subject to strict restrictions and prior requests for providing information on the source of the transfer and its size. Any missing information could lead and actually led to the cancellation of transfers.

All the financial transactions of the Embassy are subject to strict restrictions. The Embassy regularly receives queries about details of its daily transactions, including details about checks. The Embassy faces great difficulty in issuing cashiers checks requested by some parties.

The Bank appointed a full-time officer to deal with the Embassy's account. He is paid a monthly salary of three thousand dollars by the Embassy.

The private accounts of Mission members are subject to restrictions including a prior permission from the Treasury for opening the accounts and a personal undertaking for the bank in order to allow for withdrawal of money for personal needs only (these accounts have been frozen twice so far).

As a result of the U.S. economic sanctions on Sudan and its Mission, service companies have refrained from offering any service to the Mission. The insurance company, which has been dealing with the Mission for twenty years has canceled its contract with the Mission in order to avoid any legal accountability. It is not unlikely that other needs of the Mission will be affected (water, electricity, telephones and actual repairs of premises).

New York

Delay in the issuance of entry visa requests by Sudanese officials who are visiting New York to attend official meetings of the United Nations. In some cases, visas were granted after the beginning of the meetings in a manner that eventually deprives officials from participating.

Treatment of Sudanese official when arriving at New York airports. Some of them, including the Minister of Foreign Affairs and other high ranking officials were detained for hours in private rooms without informing them of the reasons justifying such behavior. Those incidents were reported to both the US Mission and the United Nations Host Country Committee. No action was taken so far to ensure non-repetition of those incidents.

Financial concerns of the Mission. Difficulties facing the Mission's account that led lately to freezing that account in violation of host country obligations and international law norms and practice.

Members of the Mission are frequently victims of unwarranted and unjustifiable delay in renewal of their stay permits in a way that hinders their travel from New York on official business."

End text.

¶14. (SBU) Text of matrix scanned for AF/SPG distribution.

FERNANDEZ